

White slavery in the United States.

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ANTI-SLAVERY TRACTS. No. 2. WHITE SLAVERY IN THE UNITED STATES.

The rule of the Roman slave code—the child follows the condition of the mother—is universally adopted in the Southern States. If the mother be a slave, the child is one also, notwithstanding the father is a free man.

The effect of this rule is to enslave all the issue in the maternal line to the remotest generation. The father in each generation may be a free white person, so that soon not the slightest tinge of negro blood nor the faintest trace of negro feature may be visible: and yet the unfortunate being whose remote maternal ancestor was a negro is doomed to as hopeless a slavery as that ancestor ever was.

With us the mixed races are generally called mulattoes, or persons of color; but in the West Indies names are given to the different degrees of the mixed races, expressive of their distance from the original stock. One ancestor in each generation being a white person, the child of the negro is called a mulatto; of the mulatto, a terceron; of the terceron, a quarteron; and the child of the latter is called a quinteron. "This is the last gradation, there being no visible difference between them and the whites, either in color or features." They are, indeed, often fairer than the Spaniards. (Edwards's West Indies, book 4, c. 1.) Judge O'Neill, of South Carolina, thinks even quadroons should always be rated as white. He says, "When the blood is reduced to or below one eighth, the jury ought always to find the party white." And we know that tercerons frequently pass for whites, so little real difference is there between them and white persons, either in color or feature. (See 1 Dall. Rep. 167.) The laws of Virginia, Kentucky, Missouri, and Arkansas apparently rate as white all the mixed issue below tercerons. All 1 (1) 2 below quadroons are apparently so considered in Tennessee, South Carolina, Georgia, Florida, Alabama, Mississippi, and Texas; but in North Carolina, not even the fourth generation is so rated.

Persons of mixed blood of every degree are *prima facie* presumed to be free in Delaware, North Carolina, Tennessee, Georgia, Louisiana, and probably in some other States. The contrary presumption (except as to persons apparently white) obtains in Virginia, Kentucky, and in South Carolina. In Missouri and Arkansas, a mulatto who is held as a slave must prove his right to freedom. But in all the States a presumption of freedom undoubtedly attaches in favor of those who are to be legally classed or rated as whites, though held as slaves.

These presumptions are, however, never imperative, even in case of a person manifestly white; for slavery legally extends to all the issue, however remote from the original stock. The presumption only obliges the master, in case of dispute arising, to be able to prove the descent from a female slave, according to law, of the person whom he claims to own; and so long as he can do this, the law in all the States upholds the slavery of his victims, however white they may be.

That the law thus allows an owner to prove the descent of his white slave, and by so doing overthrow the presumption of freedom arising from color, has been settled in several cases.

In Virginia, in the case of *Hook vs. Nanny Pagee and her Children*, (2 Munf. Rep. 379, 385, 387,) the verdict of the jury was, "that the said Nanny Pagee was a white woman," and *therefore* free. But Judge Brooke said that it was competent for Hook "to have proved, if he could, that the plaintiff was descended in the maternal line from a slave. Having not proved it, she and her children must be considered as free." In the case of *Hudgins vs. Wrights*, (1 Hen. and Munf. Rep. 134, 140,) Judge Tucker held, that if one *evidently white* be, notwithstanding, claimed as a slave, the proof lies on the party claiming to make the other his slave. Judge Roane's opinion was the same. (Ibid. p. 141.) "A white person may be a slave, according to our laws," says Judge Green, of the same State, (2 Leigh Rep. 653,) "if all his female ancestors were slaves."

In Kentucky, says Chief Justice Robertson, "a white person of unmixed blood cannot be a slave. * * * But as a person apparently white may, nevertheless, have some African taint, and 3 may, consequently, have descended from a mother who was a slave, the apparent color is but *prima facie* evidence; and consequently, where a jury, on their view, decide that the color is white, testimony will be admissible to prove that, notwithstanding the visible complexion, there is African blood in the veins sufficient to doom to slavery" (3 Dana Rep. 387, 388.) In *Gatliff vs. Rose*, (8 B. Munr. Rep. 629,) it appeared that James Lauderdale, of Bottetourt county, Virginia, sold Rose as a slave, she being from five to seven years of age. Rose was "as white as most children through the country," and "was sometimes mistaken, while in the family of Lauderdale, for one of his children;" and there was evidence adduced "conducting to prove" that he was her father.

The law of North Carolina, by forbidding "any white man or woman, *being free*," to do a certain act, implies that such persons may be slaves. (Rev. Stat. c. 71 sec. 5.).

In Tennessee (*Miller vs. Denman*, 8 Yerg. 233) it was admitted that a woman of fair complexion and straight hair, and who was so white that "no one suspected that she was a slave, or that she had any negro blood," might be proved to be a slave.

In Georgia (*Hunter vs. Shaffer*, Dudley, 224) it was admitted that a woman who had been married to a white person, who had enjoyed liberty and property for a long time and transmitted them to her descendants, and who was actually presumed to be free so far as to give effect to a deed made by her, could yet be proved to have been a slave.

In Arkansas it is a penitentiary offence to steal a "white" slave. (Eng. Dig. c. 51 art. 2, sec. 6.)

In Maryland there formerly existed a law for enslaving the issue of white women. Some time in the early part of the year 1681, Lord Baltimore brought into this State, as a domestic servant a free white woman, called Eleanor, or Irish Nell. She was married to a negro slave whilst the law of 1663, c. 30, was in force. By this law, any free white woman so marrying a negro slave was obliged to "serve the master of such slave during the life of her husband;" and the issue of such marriage were declared to be slaves, as their father was. In the month of August, 1681, after the marriage of Eleanor, the act of 1663 was repealed; but the repealing act expressly saved the rights acquired under the act of 1663, before the date of the repealing act so far as concerned the enslavement of the woman and her issue. (Stroud's Sketch, 9, 10.) After the lapse of nearly ninety years, 4 during which time Eleanor and her children had died, William and Mary Butler, husband and wife, and first cousins, who were her grandchildren, petitioned for freedom. The court below, following the impulses of the times, decided in their favor; but the owner appealed, and in 1770 (1 Har. and McHen. Rep. 371) the decision was reversed by the Supreme Court; and it was held that issue born after the repealing law were slaves. William and Mary toiled on hopelessly as ever, and died. Seventeen years elapsed, and their child, Mary Butler a great-granddaughter of Eleanor, again petitioned for freedom; and in 1787, after the lapse of more than a century of wrong and outrage committed on her family, she was declared free, for want of a conviction in a court of record of Nell's having intermarried with a slave, (2 ib. 214;) a striking illustration of that fiction, the certainty of the law, and of the great, almost overwhelming, difficulties in the way of establishing even a legal claim to freedom, and by persons apparently white. In another case (3 ib. 139) the great-granddaughter of a Spanish woman, whose grandmother and mother had been held and died in slavery, was finally set free.

We have no statistics in relation to the number of the mixed races; it must, however, be large. The female slave cannot resist her master's power; and the law every where practically teaches her to acquiesce in his wishes, by denying her the capacity to contract a valid marriage even with a slave. If she must be the concubine of some one, how much better, then, to be the mistress of the owner, who has it in his power to do so much for her! She cannot commit adultery; nor is a slave ever punished for incontinence. It was a southerner who said that the best blood of Virginia flowed in the veins of her slaves! The following advertisements serve to confirm this view.

From the Richmond (Virginia) Whig:—

One Hundred Dollars Reward will be given for the apprehension of my negro(!) Edmund Kenney. *He has straight hair, and complexion so nearly white that it is believed a stranger would suppose there was no African blood in him.* He was with my boy Dick a short time since in Norfolk, and offered him for sale, and was apprehended, *but escaped under pretence of being a white man!*

Anderson Bowles.

January 6, 1836.

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From the Republican Banner and Nashville Whig, July, 14, 1849:—

Two Hundred Dollars Reward. —Ran away from the subscriber, on the 23d of June last, a bright mulatto woman, named Julia, about twenty-five years of age. She is of common size, *nearly white*, and very likely. She is a good seamstress, and can read a little. *She may attempt to pass for white;* dresses fine. She took with her Anna, her child, eight or nine years old, and considerably darker than her mother. * * * She once belonged to a Mr. Helm, of Columbia, Tennessee.

I will give a reward of \$50 for said negro and child if delivered to me, or confined in any jail in this State so I can get them; \$100 if caught in any other slave State, and confined in a jail so that I can get them; and \$200 if caught in any free State, and put in any good jail in Kentucky or Tennessee so I can get them.

A. W. Johnson.

Nashville, July 9, 1849.

From the Chattanooga (Tennessee) Gazette, October 5, 1852:—

Five Hundred Dollars Reward. —Ran away from the subscriber, on the 25th of May, a very bright mulatto boy, about twenty-one or twenty-two years old, named Wash. *Said boy, without close observation, might pass himself for a white man, as he is very bright; has sandy hair, blue eyes, and a fine set of teeth.* He is an excellent bricklayer; but I have no idea that he will pursue his trade; for fear of detection. *Although he is like a white man in appearance,* he has the disposition of a negro, and delights in comic songs and witty expressions. He is an excellent house servant; very handy about a hotel; tall, slender, and has rather a down look, especially when spoken to, and is sometimes inclined to be sulky. I have no doubt but he has been decoyed off by some scoundrel; and I will give

the above reward for the apprehension of the boy and thief, if delivered at Chattanooga; or I will give \$200 for the boy alone; or \$100 if confined in any jail in the United States so that I can get him.

George O. Ragland.

Chattanooga, June 15, 1852. 1*

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From the Newbern (North Carolina) Spectator:—

Fifty Dollars Reward will be given for the apprehension and delivery to me of the following slaves: Samuel, and Judy, his wife, with their four children, belonging to the estate of Sacker Dubberly, deceased.

I will give \$10 for the apprehension of *William Dubberly*, a slave belonging to the estate. William is about nineteen years old, *quite white: and would not readily be taken for a slave.*

John J. Lane.

March 13, 1837.

The following three advertisements are taken from Alabama papers:—

Ran away from the subscriber, working on the plantation of Colonel H. Tinker, a bright mulatto boy named Alfred. Alfred is about eighteen years old, pretty well grown; *has blue eyes, light flaxen hair, skin disposed to freckle. He will try to pass as freeborn.*

S. G. Stewart.

Green county, Alabama.

One Hundred Dollars Reward. —Ran away from the subscriber a bright mulatto man slave, named Sam. *Light, sandy hair, blue eyes, ruddy complexion; is so white as very easily to pass for a free white man.* Edwin Peck.

Mobile, April 22, 1837.

Ran away on the 15th of May, from me, a negro woman, named Fanny. Said woman is twenty years old; is rather tall; can read and write, and so forge passes for herself. Carried away with her a pair of ear ring, a Bible with a red cover. Is very pious; she prays a great deal, sad was, as supposed,

contented and happy. *She is as white as most white women, with straight light hair and blue eyes, and can pass herself for a white woman.* I will give \$500 for her apprehension and delivery to me. She is very intelligent.

John Balch.

Tuscaloosa, May 29, 1845.

The next advertisements we cut from the New Orleans Picayune, (September 2, 1846:)—

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Twenty-Five Dollars Reward. —Ran away from the plantation of Madame Fergus Duplantier, on or about the 27th of June, 1846, a bright mulatto, named Ned, very stout built, about five feet eleven inches high, *speaks English and French*, about thirty-five years old, waddles in his walk. *He may try to pass himself for a white man, as he is of a very clear color, and has sandy hair.* The above reward will be paid to whoever will bring him to Madame Duplantier's plantation, Manchac, or lodge him in some jail where he can be conveniently obtained.

Two Hundred Dollars Reward. —Ran away from the subscriber, last November, *a white negro* man, about thirty-five years old, height about five feet eight or ten inches, *blue eyes, has a yellow woolly head, very fair skin*, (particularly under his clothes.) * * * Said negro man was raised in Columbia, S. C.; and is well known by the name of Dick Frazier. * * * He was lately known to be working on the railroad in Alabama, near Moore's Turnout, *and passed as a white man*, by the name of Jesse Teams. I will give the above reward for his delivery in any jail so that I can get him; and I will give five hundred dollars for sufficient proof to convict, in open court, any man who carried him away.

J. D. Allen.

Barnwell Court House, S. C.

P.S.—Said man has a good-shaped foot and leg, and his foot is very small and hollow.

A later number of the same paper (1848) contains this:—

Fifty Dollars Reward. —Ran away from the subscriber, about two months ago, a bright mulatto girl, named Mary, about twenty-five years of age, *almost white, and reddish hair*, front teeth out, a cut on her upper lip; about five feet five inches high; has a sear on her forehead; *she passes for free*; talks French, Italian, Dutch, English, and Spanish. Andre Grasso.

Upper side of St. Mary's Market.— *N. O. Picayune.*

In the New Orleans Bee of June 22, 1831, P. Bahi advertises, as a runaway, "*Maria, with a clear white complexion.*"

The story of Ellen Craft is well known. The slave traders Bruin 8 and Hill thought that Emily Russell, the quadroon girl, was worth at least eighteen hundred dollars in the New Orleans market. Two or three *gentlemen* from the south were anxious to buy her. She was thought to be, they said, "the finest-looking woman in this country."

In the summer of 1852 the Rev. Francis Bishop, of Liverpool, visited the slave market of Pullam and Davis, in Richmond, Virginia. Among the slaves offered for sale were a mother and her six children. These are his words: "The eldest of that family was a young woman, eighteen or nineteen years of age— *a beautiful young woman, nearly white.*" She "excited great notice when she was placed on the stand, and the auctioneer seemed to take pride in selling such a valuable article; and he said, 'There, gentlemen; that speaks for itself.' Taking her by the shoulders, he turned her round that they might see her figure. 'There is not a finer figure in all America than that,' he said. And so he went on praising the poor creature. She seemed indignant at it. She was nearly white, as I have said, and her bosom heaved with indignation at being thus pointed at and so spoken of; and far worse treatment she was subject to than even this, such as I dare not mention here."

A friend, a resident for some time in New Orleans, describes to us a very beautiful slave he saw there, who had light, curling hair, blue eyes, and almost a blond complexion. After having been kept as a mistress by her owner, he finally sold her to pay his debts! And so we might go on multiplying proofs; but enough has been said to prove that white slavery not only actually, but legally, exists in these United States. And will not those whose ears are closed to the cry of the despised and hated negro extend a helping hand to relieve the anguish of the white slave?

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